

111TH CONGRESS
2D SESSION

H. R. 5167

To amend the Richard B. Russell National School Lunch Act to reduce stigma associated with unpaid meal fees, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 28, 2010

Mr. ELLISON introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Richard B. Russell National School Lunch Act to reduce stigma associated with unpaid meal fees, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “School Meals Stigma
5 Reduction Act”.

6 **SEC. 2. RETROACTIVE REIMBURSEMENT.**

7 (a) RETROACTIVE REIMBURSEMENTS.—Section
8 9(b)(9)(C) of the Richard B. Russell National School
9 Lunch Act (42 U.S.C. 1758(b)(9)(C)) is amended to read
10 as follows:

1 “(C) DURATION.—

2 “(i) IN GENERAL.—Except as other-
3 wise specified in paragraph (3)(E),
4 (3)(H)(ii), and section 11(a), eligibility for
5 free or reduced price meals for any school
6 year shall remain in effect—

7 “(I) beginning on the date of eli-
8 gibility approval for the current school
9 year; and

10 “(II) ending on a date during the
11 subsequent school year determined by
12 the Secretary.

13 “(ii) RETROACTIVITY.—A local edu-
14 cational agency may revise a previously
15 submitted meal claim to reflect the eligi-
16 bility approval of a child for free or re-
17 duced price meals for a period not to ex-
18 ceed a total of 90 days, beginning not ear-
19 lier than the first operating day of the cur-
20 rent school year and ending on the date of
21 eligibility approval for the child for such
22 school year.”

23 (b) REDUCING STIGMA ASSOCIATED WITH UNPAID
24 MEAL FEES.—Section 9(b)(10) of the Richard B. Russell

1 National School Lunch Act (42 U.S.C. 1758 (b)(10)) is
2 amended to read as follows:

3 “(10) PROHIBITION ON DISCRIMINATION AND
4 PREVENTION OF STIGMA.—

5 “(A) OVERT IDENTIFICATION PROHIB-
6 ITED.—No physical segregation of or other dis-
7 crimination against any child eligible for a free
8 meal or a reduced price meal under the school
9 lunch program under this Act or the school
10 breakfast program under section 4 of the Child
11 Nutrition Act of 1966 (42 U.S.C. 1773) shall
12 be made by the school nor shall there be any
13 overt identification of any child by special to-
14kens or tickets, announced or published list of
15 names, or by other means.

16 “(B) REIMBURSABLE MEALS FOR ELIGI-
17 BLE CHILDREN.—

18 “(i) CHILDREN ELIGIBLE FOR FREE
19 MEALS.—Each child eligible for a free meal
20 shall be provided the meal that is being
21 provided under the school lunch program
22 under this Act or the school breakfast pro-
23 gram under section 4 of the Child Nutri-
24 tion Act of 1966 (42 U.S.C. 1773) on any
25 given day, regardless of any unpaid fees.

1 “(ii) CHILDREN ELIGIBLE FOR RE-
2 DUCED PRICE MEALS.—Each child eligible
3 for a reduced-price meal shall be provided
4 the meal that is being provided under the
5 school lunch program under this Act or the
6 school breakfast program under section 4
7 of the Child Nutrition Act of 1966 (42
8 U.S.C. 1773) on any given day, as long as
9 the child pays the reduced-price meal fee
10 that day, regardless of any unpaid fees.

11 “(C) SUBSTITUTE MEAL POLICIES FOR
12 CHILDREN WITH UNPAID SCHOOL MEAL
13 FEES.—

14 “(i) IN GENERAL.—A local edu-
15 cational agency that wishes to implement a
16 substitute meal policy for children with un-
17 paid school meal fees shall develop a plan
18 described in clause (ii) to ensure that the
19 policy does not create stigma with respect
20 to such children.

21 “(ii) PLAN DESCRIPTION.—The plan
22 shall be approved in writing by the applica-
23 ble State agency and include an expla-
24 nation of—

1 “(I) how the policy will be imple-
2 mented so that stigma is not created;

3 “(II) how staff will be trained to
4 ensure that the policy is carried out
5 correctly; and

6 “(III) how the affected house-
7 holds will be provided with assistance
8 in establishing eligibility for free or
9 reduced-price school meals.

10 “(D) ELIGIBILITY DETERMINATION.—For
11 any child who is a member of a household that
12 owes a week or more of fees for meals, a local
13 educational agency shall—

14 “(i) attempt to directly certify the
15 child for free meals under paragraph (4) or
16 (5); or

17 “(ii) in a case where the local edu-
18 cational agency is not able to directly cer-
19 tify the child under paragraph (4) or (5),
20 provide to the household—

21 “(I) a household application and
22 applicable descriptive material; and

23 “(II) written and oral commu-
24 nications to encourage the household
25 to submit the application.

1 “(E) UNPAID FEES.—The local edu-
2 cational agency may attempt to collect unpaid
3 school meal fees from a household, but the local
4 educational agency shall not—

5 “(i) take any action directed at a
6 child who is a member of the household,
7 including withholding educational opportu-
8 nities or stigmatizing the child; or

9 “(ii) use a debt collector (as such
10 term is defined in section 803 of the Con-
11 sumer Credit Protection Act (15 U.S.C.
12 1692a)) to attempt to collect unpaid fees
13 from the household.”.

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